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October 5, 2007

VIA EMAIL

Brett M. Schuman
Morgan Lewis & Bockius LLP
One Market Street, Spear Street Tower
San Francisco, CA 94105

Re: Alpha & Omega Semiconductor, Ltd. v. Fairchild Semiconductor Corp.
Case No. C 07-2638 JSW (consolidated with Case No. C 07-2664 JSW)
Our File No. 18865P-021600

Dear Brett:

Fairchild has retained Dr. Richard Blanchard as a technical expert consultant in this action. During the course of his work, he will need to review documents and other technical information which AOS will likely designate as "Confidential" or "Highly Confidential - Attorneys' Eyes Only" information under the protective order. For this reason, I am writing to place AOS on notice of Fairchild's intent to disclose such information to Dr. Blanchard.

Please find attached Dr. Blanchard's resume which includes a description of his work experience, education, publications, and consulting activities in which he testified at deposition or trial. Additionally, enclosed is a signed undertaking stating that Dr. Blanchard agrees to abide by the terms of the protective order.

We are unable to disclose further information about Dr. Blanchard's consulting activities, as required by the protective order, due to confidentiality agreements with his clients. His work, however, does not pose any actual or potential risk of misuse of AOS's confidential information. We therefore request that AOS permit Dr. Blanchard to have access to AOS's confidential information based on the information we are providing and the information about him which AOS already possesses.

AOS is very familiar with Dr. Blanchard's background and reputation for professionalism and therefore should have no objection to his having access to confidential information. Indeed, AOS deposed him in the *Siliconix v. AOS* patent litigation, and we understand that AOS sought to hire him as an expert consultant in the present action, not knowing that Fairchild had already retained him. Additionally, the information we are providing about his background far exceeds the level of disclosure required by the accompanying protective order to which AOS stipulated in

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the *Siliconix* action. (See separate attachment.) Under that protective order, a party seeking to disclose confidential information needed to disclose only the consultant's name, address, present employer, title, resume, and a signed undertaking. (See *Siliconix v. AOS* protective order at Section 4.1.) No other information was required. Accordingly, the background information we are providing about Dr. Blanchard is more than sufficient.

For the reasons set forth above, we request that AOS permit Dr. Blanchard to review AOS's information designated as "Confidential" and "Highly Confidential - Attorneys' Eyes Only" under the protective order in this action. Please let me know by October 12 whether this is acceptable. If AOS agrees, we suggest the parties file a stipulation and proposed order to modify the protective order in this respect.

Very truly yours,

/s/
Matthew R. Hulse

Enclosures

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Richard A. Blanchard, Ph.D.

Expertise

- MOS and Bipolar Device Technology
 - Semiconductor Device Physics
 - Microchip Fabrication & Analysis
 - Electronic Systems
 - Electrical & Electronic Failures
 - CMOS, DMOS & BiCMOS
 - Power IC's & Power Electronics
 - Printed Circuit Board Manufacturing
 - Semiconductor Process & Control
 - Semiconductor Process Equipment
-

Professional Summary

Dr. Blanchard has over 35 years of combined industry, research, academic, and consulting experience. His research covers semiconductor device and electronics design, semiconductor device physics, semiconductor manufacturing processes and equipment, failure analysis, reverse engineering of semiconductor and electronic circuits, and reliability modeling. Dr. Blanchard's work has resulted in more than 120 U.S. issued patents. He has also written or co-authored numerous books and articles in the semiconductor design and process development areas as well as failure analysis.

Employment History

From: 1998 **Silicon Valley Expert Witness Group, Inc.**
To: Date Mountain View, CA
Position: *Director, Advanced Technologies*
Silicon Valley Expert Witness Group, Inc. (SVEWG) is a high technology, "Silicon Valley" consulting company specializing in expert witness litigation support and technology consulting. SVEWG has an extensive roster of world-class technology experts used in the defense and promotion of intellectual property rights and other litigation disputes. SVEWG Principals offer extensive in-house technology, legal and business expertise and have direct access to senior litigation and technology consultants worldwide.

From: 1991 **Failure Analysis Associates, Inc. (Now named "Exponent")**
To: 1998 Menlo Park, CA
Position: *Principal Engineer & Division Manager*
Responsible for the Electrical/Electronic Division of Failure Analysis Associates providing consulting services to the electrical

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and electronics industry. Specific duties include:

- Semiconductor devices. Failure analysis and reverse engineering of solid-state electronic components and circuits. Semiconductor processing and semiconductor process equipment. Semiconductor manufacturing and process control.
- Failure analysis of electric and electronic systems, subsystems, and components, including causes of electrical fires
- Reliability modeling and lifetime prediction of electrical and electronic systems and subsystems
- Automotive electronics. Design of discrete devices and integrated circuits
- Power Electronics. Power MOS and Smart Power Technologies

From: 1987 **IXYS Corporation**

To: 1991

Position: *Senior Vice President*

Responsible for the development of IC products. Established an in-house CAD capability. Recruited an IC design team and coordinated the definition and development of IXYS ICs. Identified, qualified and monitored the IC foundries that manufactured these circuits. Set up testing capability at IXYS. Coordinated assembly on IC's. Worked on various MOSFET and IGBT device, test, and assembly problems.

From: 1982 **Siliconix, Inc.**

To: 1987

Position: *Vice President, Engineering*

Other titles held at Siliconix, Inc. were Engineering Manager (1982-1983) and Director (1983-1984). Responsible for the development of advanced process technology and the design of both discrete devices (JFETs, lateral and vertical DMOS transistors) and integrated circuits (low and high voltage CMOS, D/CMOS and bipolar-JFET). These responsibilities included providing technical and administrative direction to two IC design groups in the United Kingdom and the U.S., one device and process design group and a "quick-turn" processing line. Two CAD groups, one in the U.K. and one in the U.S., and a CAE group developing computer software and hardware for the engineering community rounded out the department. Personally responsible for many key innovations and inventions in power MOS and D/CMOS IC technology and their assembly and test requirements. He submitted approximately 20 patent disclosures while employed at Siliconix, Inc. He holds the two key "trench FET" patents, of which he is the sole inventor.

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- From: 1976 **Supertex, Inc.**
To: 1982
Position: *Founder and Vice President, MOS Power Products*
Responsible for investigation of new semiconductor devices and new technologies. In charge of Power MOS device research, design and development. His work lead to the design and development of both the discrete power MOS device family and the high voltage IC (HVIC) family sold by Supertex, Inc. Responsible for an in-house assembly area as well as engineering aspects of power MOS and HVIC testing.
- From: 1976 **Cognition, Inc.**
To: 1978
Position: *Founder and Consulting Engineer*
Responsible for developing the process technology for fabricating monolithic silicon pressure sensors. A process line was established for the manufacture of piezoresistive pressure sensors, including the precision etching of thin silicon diaphragms.
- From: 1974 **Foothill College**
To: 1978
Position: *Associate Professor, Assistant Division Chairman, Engineering & Technology Division*
Accomplishments included developing the curriculum for the Semiconductor Technology Program, and establishing a small processing facility for teaching students the fundamentals of semiconductor technology. Supervised approximately 60 instructors in the evening and off-campus programs.
- From: 1974 **Independent Consultant**
To: 1976
Duties: Consultant to the semiconductor industry, including court appointed "Special Master" in the Fairchild Semiconductor Corporation v. National Semiconductor Corporation Isoplanar patent suit.
- From: 1970 **Fairchild Semiconductor**
To: 1974 Mountain View, CA
Position: *Senior Engineer, Department Manager*
Responsible for the fabrication of the integrated circuits in the Polaroid SX-70 camera. Technologies directly related to this work include standard bipolar technology, bipolar- MOS technology, silicon gate technology and flip-chip assembly technology.

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Deposition and Trial Testimony (Past Five Years)

Apple Computer, Inc. v. Tatung Co., International Court of Arbitration of the International Chamber of Commerce, Case No. 10099 AER. (D, R)

Anne Camilleri as Guardian for Andrea Camilleri, an incompetent Adult, vs. Costco Companies, Inc., Thompson Merchandising, Everstar Merchandise, So Yang Enterprises Co. Ltd. And Does 1 to 1000. Superior Court of the State of California, County of San Mateo, Case No. 407 06 & Case No. 408 615. (D)

Micrel, Inc. v. Federal Insurance Company, Superior Court of the State of California and Santa Clara County, Case No. CV786627. (D, R)

Sun Microsystems v. Kingston Technology, United States District Court, Northern District of California, Case No. C99-03610VRW. (D, R)

Level One v. Altima, United States International Trade Commission, Washington, D.C., Investigation No. 337-TA-435. (D, R, T)

Optus Networks Pty Ltd CAN 008 570 330 and Ors v. Leighton Contractors Pty Ltd CAN 000 893 667 and Ors, Supreme Court of New South Wales Sydney Registry Common Law Division Construction List, No. 55059 of 1997. (R, T)

Federal Insurance Company v. Metex Corporation, Superior Court of the State of California, County of San Francisco, No. 988899. (D, R)

Pekin Insurance Company and Green Bay Motor Sports, Inc. v. American Suzuki Motor Corporation, Circuit Court of the State of Wisconsin, County of Brown, No. 01-CV-416 (4/2002). (D)

Kenneth Toner and Daniel J. Harper, as Trustee of the Recall Claimants Trust v. Cadet Manufacturing Company, I.R.C.A. S.P.A., Zoppas Industries S.P.A. and Still-man Heating Products Inc., Superior Court of the State of Washington, County of King, No. 98-2-10876-2SEA (4/2002). (D)

Allen Scott Schneider, Tami Schneider v. Sentry Alarm, Inc., Sylvester's Alarm, Inc. a.k.a. Sylvester's Security Services, Inc. Automatic Alarm, Inc., Superior Court of the State of California, County of Santa Clara, Case No. CV 795867. (D)

David Bryte, Personal Representative of the Estate of Lova E. Bryte, deceased, et al, plaintiffs v. Sunbeam Corporation & Sears Roebuck and Co., defendants. In the United States District Court for the Northern District of West Virginia, Case No. 2:00-CV-93. (D, R)

SimpleTech, Inc. v. Atmel Corporation, Superior Court of the State of California, County of Santa Clara, Case No. CV 809851 (2004). (D, R)

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Pavel Kuzmenko; Karina Kuzmenko and Kristina Kuzmenko v. Morningside Apartments, William R. Canihan, and MacFrugal's Bargain Close Out, Superior Court of the State of California, County of Sacramento, Case No. 01AS00112 (2004). (D)

State Farm Fire & Casualty Insurance Company; as subrogee for Terry Swan, and Terry Swan, individually v. Sears, Roebuck and Co., a foreign corporation, the United States District Court for the Western District of Washington, Case No. C01-129 (C). (D, R)

Rexford Agin, Susan Agin and Daniel Agin v. Sunbeam Products, Inc., in the United States District Court for the Southern District of Ohio Eastern Division, Civil Action No. C2030052. (D, R)

Bobby Cook, as Personal Representative of the Estate of Cathy Lynn Cook, Deceased; and Bobby Cook, Individually v. Sunbeam Corporation, Sunbeam Products, Inc., Wal-Mart Stores, Inc., and Wal-Mart Stores, East, Inc., United States District Court for the Northern District of Alabama Southern Division, Case No. CV-01-B-2000-S. (D, R)

IXYS Corporation v. Advanced Power Technology, Inc., United States District Court for the Northern District of California San Francisco Division, Case No. C 02-3942 MHP. (D, R)

Motorola, Inc. v. Analog Devices, Inc., United States District Court for the Eastern District of Texas Beaumont Division, Civil Action No. 1:03-CV-0131 (RHC). (D, R)

Siliconix Inc., a Delaware corporation v. Alpha and Omega Semiconductor Inc., a California corporation, and Alpha and Omega Semiconductor Limited, a Bermuda corporation, United States District Court for the Northern District of California San Francisco Division, Case No. C03-04803 WHA (Inventor). (D)

Sunex, Inc. v. Omnivision Technologies/Omnivision Technologies, Inc., a Delaware Corporation v. Sunex, Inc, Superior Court of the State of California County of San Diego, North County Division, Case No. 031205. (D)

Fujitsu Limited v. Cirrus Logic, Inc., Amkor Technology, Inc., Sumitomo Bakelite Co., Ltd., and Sumitomo Plastics America, Inc., Superior Court of the State of California County of Santa Clara, Case. No. 1-03-CV-009885. (D)

Silicon Laboratories, Inc. v. Ali Niknejad & Axiom Microdevices, Inc., United States District Court for the Western Division of Texas Austin Division, Civil Action No. A-04-CA-155-SS. (D, T)

Joel R. Bertelson, Daniel E. Mendl, Daniel E. Mendl as Trustee, The Bigfoot Ranch, II, Inc., Daniel E. Mendl as Attorney In Fact for Katherine Hope Bertelson and Union Mutual Fire Insurance Co. and New England Guaranty Insurance Co., Inc. v. Sunbeam Products, Inc. and The Allen Agency, Inc., Superior Court of the State of Vermont Chittenden County, SS, Docket No. S0312-04 CnC. (D)

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Micrel Inc. v. Monolithic Power Systems, Michael R. Hsing, James C. Moyer, and DOES 1-20 inclusive, United States District Court for the Northern District of California San Francisco Division, Case No. C04-04770 JSW (JCS). (D)

Siliconix, Inc. v. Denso Corporation, United States District Court for the Northern District of California, San Francisco Division, Case No. C05-01507 WHA and Consolidated Actions Nos. C04-00344 WHA and C05-03617 WHA. (D)

Tessera, Inc. v. Micron Technology, Inc. and Infineon, United States District Court for the Eastern District of Texas Marshall Division, Case No. 2-05CV94. (R)

Siliconix, Inc. v. Semiconductor Components Industries, LLC d/b/a On Semiconductor, American Arbitration Association, Phoenix, Arizona, Case No. 76 133 Y 00327 05 DEAR. (D)

John Rumans, Jeanne Rumans and Jessica Rumans v. Sunbeam Products, Inc., United States District Court for the Western District of Missouri Western Division, Case No. 05-1226-CV-W-HFS. (D)

Markel American Insurance Company, Insurance Company of North America and State Farm Fire and Casualty Company v. Cadet Heater Manufacturing Company v. ZIMM (Third-Party Defendants), United States District Court for the District of Oregon, Case No. 3:05-CV-1188 KI (Lead Case). (D, R)

Verigy US, Inc. v. Romi Omar Mayder, Wesley Mayder, Silicon Test Systems, Inc., and Silicon Test Solutions, LLC, United States District Court for the Northern District of California San Jose Division, Case No., C07-04330 RMW (HRL). (D)

Nathan J. Sheridan v. Fladeboe Volkswagen, Inc., Volkswagen of America, Inc., Superior Court of the State of California for the County of Orange, Case No. 06CC09510. (D)

D = Deposition

R = Report

T = Testimony in Court

Patents

| <u>Patent Number</u> | <u>Date Issued</u> | <u>Title</u> |
|----------------------|--------------------|--|
| 7,244,970 | 07/17/2007 | Low Capacitance Two-Terminal Barrier Controlled TVS Diodes |
| 7,224,027 | 05/29/2007 | High Voltage Power MOSFET Having a Voltage Sustaining Region that Includes Doped Columns Formed by Trench Etching and Diffusion from Regions of Oppositely Doped Polysilicon |
| 7,202,494 | 04/10/2007 | FinFET Including a Supperlattice |

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|-----------|------------|---|
| 7,199,427 | 04/03/2007 | DMOS Device with a Programmable Threshold Voltage |
| 7,138,289 | 11/21/2006 | Technique for Fabricating Multilayer Color Sensing Photodetectors |
| 7,094,621 | 08/22/2006 | Fabrication on diaphragms and 'Floating' Regions of Single Crystal Semiconductor for MEMS Devices |
| 7,091,552 | 08/15/2006 | High Voltage Power MOSFET Having a Voltage Sustaining Region that Includes Doped Columns Formed by Trench Etching and Ion Implantation |
| 7,084,455 | 08/01/2006 | Power Semiconductor Device Having a Voltage Sustaining Region that Includes Terraced Trench with Continuous Doped Columns Formed in an Epitaxial Layer |
| 7,067,376 | 06/27/2006 | High Voltage power MOSFET Having Low On-Resistance |
| 7,061,072 | 06/13/2006 | Integrated Circuit Inductors Using Driven Shields |
| 7,023,069 | 04/04/2006 | Method for Forming Thick Dielectric Regions Using Etched Trenches |
| 7,019,360 | 03/28/2006 | High Voltage Power MOSFET Having a Voltage Sustaining Region that Includes Doped Columns Formed by Trench Etching Using an Etchant Gas that is also a Doping Source |
| 7,015,104 | 03/21/2006 | Technique for Forming the Deep Doped Columns in Superjunction |
| 6,992,350 | 01/31/2006 | High Voltage Power MOSFET Having Low On-Resistance |
| 6,949,432 | 09/27/2005 | Trench DMOS Transistor Structure Having a Low Resistance Path to a Drain Contact Located on an Upper Surface |
| 6,921,938 | 07/26/2005 | Double Diffused Field Effect Transistor Having Reduced On-Resistance |
| 6,906,529 | 06/14/2005 | Capacitive Sensor Device With Electrically Configurable Pixels |
| 6,882,573 | 04/19/2005 | DMOS Device with a Programmable Threshold Voltage |
| 6,861,337 | 03/01/2005 | Method for Using a Surface Geometry for a MOS-Gated Device in the Manufacture of Dice Having Different Sizes |
| 6,812,526 | 11/02/2004 | Trench DMOS Transistor Structure Having a Low Resistance Path to a Drain Contact Located on an Upper Surface |
| 6,812,056 | 11/02/2004 | Technique for Fabricating MEMS Devices Having Diaphragms of "Floating" Regions of Single Crystal Material |
| 6,794,251 | 09/21/2004 | Method of Making a Power Semiconductor Device |
| 6,790,745 | 09/14/2004 | Fabrication of Dielectrically Isolated Regions of Silicon in a Substrate |
| 6,777,745 | 08/17/2004 | Symmetric Trench MOSFET Device and Method of Making Same |
| 6,750,523 | 06/15/2004 | Photodiode Stacks for Photovoltaic Relays and the Method of Manufacturing the Same |
| 6,750,104 | 06/15/2004 | High Voltage Power MOSFET Having a Voltage Sustaining Region that Includes Doped Columns Formed by Trench Etching Using an Etchant Gas that is also a Doping Source |
| 6,734,495 | 05/11/2004 | Two Terminal Programmable MOS-Gated Current Source |
| 6,730,963 | 05/04/2004 | Minimum Sized Cellular MOS-Gated Device Geometry |
| 6,724,044 | 04/20/2004 | MOSFET Device Having Geometry that Permits Frequent Body Contact |
| 6,724,039 | 04/20/2004 | Semiconductor Device Having a Schottky Diode |

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| 6,713,351 | 03/30/2004 | Double Diffused Field Effect Transistor Having Reduced On-Resistance |
| 6,710,414 | 03/23/2004 | Surface Geometry for a MOS-Gated Device that Allows the Manufacture of Dice Having Different Sizes |
| 6,710,400 | 03/23/2004 | Method for Fabricating a High Voltage Power MOSFET Having a Voltage Sustaining Region that Includes Doped Columns Formed by Rapid Diffusion |
| 6,689,662 | 02/10/2004 | Method of Forming a Higher Voltage Power MOSFET Having Low On-Resistance |
| 6,686,244 | 02/03/2004 | Power Semiconductor Device Having a Voltage Sustaining Region that Includes Doped Columns Formed with a Single Ion Implantation Step |
| 6,660,571 | 12/09/2003 | High Voltage Power MOSFET Having Low On-Resistance |
| 6,656,797 | 12/02/2003 | High Voltage Power MOSFET Having a Voltage Sustaining Region that Includes Doped Columns Formed by Trench Etching and Ion Implantation |
| 6,649,477 | 11/18/2003 | Method for Fabricating a Power Semiconductor Device Having a Voltage Sustaining Layer with a Terraced Trench Facilitating Formation of Floating Islands |
| 6,627,949 | 09/30/2003 | High Voltage Power MOSFET Having Low On-Resistance |
| 6,624,494 | 09/23/2003 | Method for Fabricating a Power Semiconductor Device Having a Floating Island Voltage Sustaining Layer |
| 6,621,107 | 09/16/2003 | Trench DMOS Transistor with Embedded Trench Schottky Rectifier |
| 6,593,619 | 07/15/2003 | High Voltage Power MOSFET Having Low On-Resistance |
| 6,593,174 | 07/15/2003 | Field Effect Transistor Having Dielectrically Isolated Sources and Drains and Method for Making Same |
| 6,576,516 | 06/10/2003 | High Voltage Power MOSFET Having a Voltage Sustaining Region that Includes Doped Columns Formed by Trench Etching and Diffusion from Regions of Oppositely Doped Polysilicon |
| 6,566,201 | 05/20/2003 | Method for Fabricating a High Voltage Power MOSFET Having a Voltage Sustaining Region that Includes Doped Columns Formed by Rapid Diffusion |
| 6,538,279 | 03/25/2003 | High-Side Switch With Depletion-Mode Device |
| 6,492,663 | 12/10/2002 | Universal Source Geometry for MOS-Gated Power Devices |
| 6,479,352 | 11/12/2002 | Method of Fabricating High Voltage Power MOSFET Having Low On-Resistance |
| 6,472,709 | 10/29/2002 | Trench DMOS Transistor Structure Having a Low Resistance Path to a Drain Contact Located on an Upper Surface |
| 6,468,866 | 10/22/2002 | Single Feature Size MOS Technology Power Device |
| 6,465,304 | 10/15/2002 | Method for Fabricating a Power Semiconductor Device Having a Floating Island Voltage Sustaining Layer |
| 6,432,775 | 08/13/2002 | Trench DMOS Transistor Structure Having a Low Resistance Path to a Drain Contact Located on an Upper Surface |
| 6,420,764 | 07/16/2002 | Field Effect Transistor Having Dielectrically Isolated Sources and |

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| 6,403,427 | 06/11/2002 | Drains and Methods for Making Same |
| | | Field Effect Transistor Having Dielectrically Isolated Sources and |
| | | Drains and Method for Making Same |
| 6,399,961 | 06/04/2002 | Field Effect Transistor Having Dielectrically Isolated Sources and |
| | | Drains and Method for Making Same |
| 6,369,426 | 04/09/2002 | Transistor with Integrated Photodetector for Conductivity Modulation |
| 6,368,918 | 04/09/2002 | Method of Fabricating an Embedded Flash EEPROM with a Tunnel |
| | | Oxide Grown on a Textured Substrate |
| 6,331,794 | 12/18/2001 | Phase Leg with Depletion-mode Device |
| 6,316,336 | 11/13/2001 | Method for Forming Buried Layers With Top-Side Contacts and the |
| | | Resulting Structure |
| 6,291,845 | 19/18/2001 | Fully-Dielectric-Isolated FET Technology |
| 6,272,050 | 08/07/2001 | Method and Apparatus for Providing an Embedded Flash-EEPROM |
| | | Technology |
| 6,239,752 | 05/29/2001 | Semiconductor Chip Package that is also an Antenna |
| 6,225,662 | 05/01/2001 | Semiconductor Structure with Heavily Doped Buried Breakdown |
| | | Region |
| 6,215,170 | 04/10/2001 | Structure for Single Conductor Acting as Ground and Capacitor Plate |
| | | Electrode Using Reduced Area |
| 6,198,114 | 03/06/2001 | Field Effect Transistor Having Dielectrically Isolated Sources and |
| | | Drains and Method for Making Same |
| 6,069,385 | 05/30/2000 | Trench MOS-Gated Device |
| 6,064,109 | 05/16/2000 | Ballast Resistance for Producing Varied Emitter Current Flow Along |
| | | the Emitter's Injecting Edge |
| 6,046,473 | 04/04/2000 | Structure and Process for Reducing the On-Resistance of MOS-Gated |
| | | Power Devices |
| 6,011,298 | 01/04/2000 | High Voltage Termination with Buried Field-Shaping Region |
| 5,985,721 | 11/16/1999 | Single Feature Size MOS Technology Power Device |
| 5,981,998 | 11/09/1999 | Single Feature Size MOS Technology Power Device |
| 5,981,318 | 11/09/1999 | Fully-dielectric-isolated FET Technology |
| 5,960,277 | 09/28/1999 | Method of Making a Merged Device with Aligned Trench FET and |
| | | Buried Emitter Patterns |
| 5,897,355 | 05/27/1999 | Method of Manufacturing Insulated Gate Semiconductor Device to |
| | | Improve Ruggedness |
| 5,869,371 | 02/09/1999 | Structure and Process for Reducing the On-Resistance of MOS-gated |
| | | Power Devices |
| 5,856,696 | 01/05/1999 | Field Effect Transistor Having Dielectrically Isolated Sources and |
| | | Drains |
| 5,821,136 | 10/13/1998 | Inverted Field-Effect Device with Polycrystalline Silicon/Germanium |
| | | Channel |
| 5,801,396 | 09/01/1998 | Inverted Field-Effect Device with Polycrystalline Silicon/Germanium |
| | | Channel |
| 5,798,549 | 08/25/1998 | Conductive Layer Overlaid Self-Aligned MOS-Gated Semiconductor |

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| | | Devices |
| 5,773,328 | 06/30/1998 | Method Of Making A Fully-Dielectric-Isolated Fet |
| 5,756,386 | 05/26/1998 | Method of Making Trench MOS-Gated Device with A Minimum Number of Masks |
| 5,710,443 | 01/20/1998 | Merged Device with Aligned Trench Fet and Buried Emitter Patterns |
| 5,708,289 | 01/13/1998 | Pad Protection Diode Structure |
| 5,701,023 | 12/23/1997 | Insulated Gate Semiconductor Device Typically Having Subsurface-Peaked Portion of Body Region For Improved Ruggedness |
| 5,691,555 | 11/25/1997 | Integrated Structure Current Sensing Resistor For Power Devices Particularly For Overload Self-Protected Power MOS Devices |
| 5,668,025 | 09/16/1997 | Method of Making a FET with Dielectrically Isolated Sources and Drains |
| 5,663,079 | 09/02/1997 | Method of Making Increased Density MOS-Gated Semiconductor Devices |
| 5,648,670 | 07/15/1997 | Trench MOS-Gated Device with a Minimum Number of Masks |
| 5,640,037 | 06/17/1997 | Cell with Self-Aligned Contacts |
| 5,637,889 | 06/10/1997 | Composite Power Transistor Structures Using Semiconductor Materials With Different Bandgaps |
| 5,589,415 | 12/31/1996 | Method For Forming a Semiconductor Structure with Self-Aligned Contacts |
| 5,576,245 | 11/19/1996 | Method of Making Vertical Current Flow Field Effect Transistor |
| 5,574,301 | 11/12/1996 | Vertical Switched-Emitter Structure with Improved Lateral Isolation |
| 5,528,063 | 06/18/1996 | Conductive-Overlaid Self-Aligned MOS-Gated Semiconductor Devices |
| 5,485,027 | 01/16/1996 | Isolated DMOS IC Technology |
| 5,298,781 | 03/29/1994 | Vertical Current Flow Field Effect Transistor with Thick Insulator Over Non-Channel Areas |
| 5,237,481 | 08/17/1993 | Temperature Sensing Device for Use in a Power Transistor |
| 5,218,228 | 06/08/1993 | High Voltage MOS Transistors with Reduced Parasitic Current Gain |
| 5,164,325 | 11/17/1992 | Method of Making a Vertical Current Flow Field Effect Transistor |
| 5,156,989 | 10/20/1992 | Complementary Isolated DMOS IC Technology |
| 5,132,235 | 07/21/1992 | Method for Fabricating a High Voltage MOS Transistor |
| 5,034,785 | 07/23/1992 | Planar Vertical Channel DMOS Structure |
| 4,983,535 | 01/08/1991 | Vertical DMOS Transistor Fabrication Process |
| 4,978,631 | 12/18/1990 | Current Source with a Process Selectable Temperature Coefficient |
| 4,958,204 | 09/18/1990 | Junction Field-Effect Transistor with a Novel Gate |
| 4,956,700 | 19/11/1990 | Integrated Circuit with High Power, Vertical Output Transistor Capability |
| 4,952,992 | 08/28/1990 | Method and Apparatus for Improving the On-Voltage Characteristics of a Semiconductor Device |
| 4,929,991 | 05/29/1990 | Rugged Lateral DMOS Transistor Structure |
| 4,920,388 | 04/24/1990 | Power Transistor with Integrated Gate Resistor |
| 4,916,509 | 04/10/1990 | Method for Obtaining Low Interconnect Resistance on a Grooved |

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| | | |
|-----------|------------|---|
| | | Surface and the Resulting Structure |
| 4,914,058 | 04/03/1990 | Grooved DMOS Process with Varying Gate Dielectric Thickness |
| 4,896,196 | 01/23/1990 | Vertical DMOS Power Transistor with an Integral Operating Condition Sensor |
| 4,893,160 | 01/09/1990 | Method for Increasing the Performance of Trenched Devices and the Resulting Structure |
| 4,868,537 | 09/19/1989 | Doped SiO ₂ Resistor and Method of Forming Same |
| 4,851,366 | 07/25/1989 | Method for Providing Dielectrically Isolated Circuit |
| 4,845,051 | 07/04/1989 | Buried Gate JFET |
| 4,832,586 | 05/30/1989 | Dual-Gate High Density FET |
| 4,827,324 | 05/02/1989 | Implantation of Ions into an Insulating Layer of Increase Planar PN Junction Breakdown Voltage |
| 4,824,795 | 04/25/1989 | Method for Obtaining Regions of Dielectrically Isolated Single Crystal Silicon |
| 4,813,882 | 03/28/1989 | Power MOS Transistor with Equipotential Ring |
| 4,799,100 | 01/17/1989 | Method and Apparatus for Increasing Breakdown of a Planar Junction |
| 4,798,810 | 01/17/1989 | Method for Manufacturing a Power MOS Transistor |
| 4,794,436 | 12/27/1988 | High Voltage Drifted-Drain MOS Transistor |
| 4,791,462 | 12/13/1988 | Dense Vertical J-MOS Transistor |
| 4,774,196 | 09/27/1988 | Method of Bonding Semiconductor Wafers |
| 4,767,722 | 08/30/1988 | Method for Making Planar Vertical Channel DMOS Structures |
| 4,759,836 | 07/26/1988 | Ion Implantation of Thin Film CrSi ₂ and SiC Resistors |
| 4,707,909 | 11/24/1987 | Manufacture of Trimmable High Value Polycrystalline Silicon Resistors |
| 4,682,405 | 07/28/1987 | Method for Forming Lateral and Vertical DMOS Transistors |
| 4,402,003 | 08/30/1983 | Composite MOS/Bipolar Power Device |
| 4,398,339 | 08/16/1983 | Fabrication Method for High Power MOS Device |
| 4,393,391 | 07/12/1988 | Power MOS Transistor With a Plurality of Longitudinal Grooves to Increase Channel Conducting Area |
| 4,345,265 | 08/17/1982 | MOS Power Transistor with Improved High-Voltage Capability |
| 4,344,081 | 08/10/1982 | Combined DMOS and a Vertical Device and Fabrication Method Therefore |
| 4,145,703 | 03/20/1979 | High Power MOS Device and Fabrication Method Therefore |

Education

| | | |
|------|---------------------|---|
| 1982 | Stanford University | Ph.D., Electrical Engineering Thesis: "Optimization of Discrete High Power MOS Transistors." |
| 1970 | M.I.T. | MSEE Thesis: "The Use of a Thermal Feedback Mechanism in Power Transistor Structures." |
| 1968 | M.I.T. | BSEE |

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Blanchard, R.A., Severns, R., Cogan, A., Fortier, T., "Special Features of Power MOSFETs in High-Frequency Switching Circuits," Proceedings, High Frequency Power Conversion Conference, Virginia Beach, Virginia, May 1986.

Blanchard, R.A., Fortier, T., Cogan, A., Harnden, J., "Low-On-Resistance, Low Voltage Power MOSFETs for Motor-drive Applications," Proceedings, Electro 86 Session 10, Boston, Massachusetts, May 1986.

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Professional Associations and Achievements

- Senior Member, Institute of Electrical and Electronics Engineers
 - Member, Electronic Device Failure Analysis Society
 - Member, International Microelectronics & Packaging Society
 - Member, American Vacuum Society
 - Member, National Fire Protection Association
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and Alpha And Omega Semiconductor Limited

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SILICONIX INCORPORATED,
a Delaware corporation,

Plaintiff,

v.

ALPHA AND OMEGA
SEMICONDUCTOR INCORPORATED,
a California corporation, and ALPHA AND
OMEGA SEMICONDUCTOR LIMITED,
a Bermuda corporation,

Defendants.

CASE NO. C 03-4803 WHA

STIPULATED PROTECTIVE ORDER

STIPULATION

Pursuant to Federal Rule of Civil Procedure 26, and it appearing that discovery in the above-entitled action will involve the disclosure of confidential information, it is hereby stipulated by and between the Parties through their respective counsel and ordered that the following Protective Order be entered to give effect to the terms and conditions set forth below.

1.0 Definitions

1.1 “Siliconix” means Siliconix incorporated.

1.2 “AOS” means Alpha and Omega Semiconductor Incorporated and Alpha and Omega Semiconductor Limited.

1.3 “Designating Party” means Siliconix or AOS or any non-party producing documents or information under this Protective Order.

1.4 “Receiving Party” means Siliconix or AOS.

1.5 “Protected Information” includes the following categories of information, and shall include documents produced during discovery, answers to interrogatories, responses to requests for admission, depositions, hearing or trial transcripts, and tangible things, the information contained therein and all copies, abstracts, excerpts, analyses or other writings that contain, reflect or disclose such information whether contained in attorney work product or not.

1.5.1 “Confidential” designates Protected Information that a Designating Party believes to be of a proprietary business or technical nature and not readily available to competitors, potential competitors, and/or other third parties.

1.5.2 “Confidential – Attorneys’ Eyes Only” designates Protected Information that the Designating Party reasonably believes is “Confidential” information within the meaning of Section 1.5.1, the disclosure of which is likely to cause harm to the competitive position of the Designating Party. Such information may fall into one or more of the following categories:

1.5.2.1 Future Business Plans

1.5.2.2 Current Business Plans

1.5.2.3 New Product Development

- 1 1.5.2.4 New Business Development (for old products)
- 2 1.5.2.5 Trade Secrets (as defined by California law)
- 3 1.5.2.6 Proprietary Engineering Information (not generally
- 4 available to the public)
- 5 1.5.2.7 Computer Source Code or Product Designs
- 6 1.5.2.7 Competitor Market Analysis
- 7 1.5.2.8 Customer Lists
- 8 1.5.2.9 Internal Financial/Accounting Information
- 9 1.5.2.10 Operations Information
- 10 1.5.2.11 Distributor Agreements
- 11 1.5.2.12 License Agreements
- 12 1.5.2.13 Foundry Agreements
- 13 1.5.2.14 Development Agreements
- 14 1.5.2.15 Agreements with Sales Representatives
- 15 1.5.2.16 Prices Charged to Distributors and/or Customers
- 16 1.5.2.17 Business Relationships with Third Parties
- 17 1.5.2.18 Current Product Development and Production
- 18 1.5.2.19 Costs Related Information
- 19 1.5.3 Protected Information shall not include: information that is in the
- 20 public domain at the time of disclosure (except such information in the public domain which may
- 21 be treated as a trade secret due to the effort involved in collecting and maintaining such
- 22 information); information which after disclosure is published or becomes part of the public
- 23 domain through no fault of a Party receiving information under this Protective Order, but only
- 24 after it is published or comes into the public domain (subject to the same trade secret exclusion
- 25 stated above); information that is in the possession of a Party receiving such information without
- 26 any confidentiality obligations at the time of disclosure; information independently derived by a
- 27 Party receiving Protected Information without reference to any Protected Information, as
- 28

1 evidenced by documentation; or information disclosed by a third party having the legal right to do
2 so.

3 1.6 “Document” shall have the meaning ascribed to it in Federal Rule of Civil
4 Procedure Rule 34(a).

5 1.7 “Employees” means regular full or part-time employees and also temporary
6 personnel who are providing secretarial, clerical and/or administrative services only of the
7 designated employer.

8 2.0 Designations of Protected Information

9 2.1 Each Designating Party who produces or discloses any material that the
10 Designating Party reasonably believes to contain or reveal Protected Information may designate
11 the same Confidential, or Confidential – Attorneys’ Eyes Only.

12 2.2 Documents may be designated as Confidential only if, prior to production,
13 the document is clearly marked with a legend which states:

14 CONFIDENTIAL

15 2.3 Documents may be designated as Confidential – Attorneys’ Eyes Only
16 only if, prior to production, the document is clearly marked with a legend which states:

17 CONFIDENTIAL – ATTORNEYS’ EYES ONLY

18 2.4 An answer to an Interrogatory or Request for Admission may be designated
19 as the appropriate category of Protected Information by a statement made therein.

20 2.5 A deposition transcript or a portion thereof may be designated as the
21 appropriate category of Protected Information by so designating on the record at the deposition or
22 designating any portion of the transcript as “Confidential” or “Confidential – Attorneys’ Eyes
23 Only” within thirty (30) days following the mailing of the transcript or videotape by the court
24 reporter or videographer. Such notice thereof shall be made in writing to the reporter, with copies
25 to all other counsel, designating the portions of the transcript or videotape that contain Protected
26 Information as either Confidential or Confidential – Attorneys’ Eyes Only, and directing the
27 reporter to mark that portion of the transcript or videotape accordingly. Until expiration of the
28

1 thirty day period specified in this Section 2.5, all deposition transcripts and/or videotapes shall be
2 considered and treated as Confidential – Attorneys’ Eyes Only.

3 2.6 Counsel of record shall exert their best efforts to raise claims of
4 confidentiality prior to the disclosure of Protected Information.

5 2.7 Notwithstanding the provisions of Sections 2.2 – 2.6 of this Protective
6 Order, failure of counsel to designate and/or mark any Protected Information as “Confidential” or
7 “Confidential – Attorneys’ Eyes Only” as provided above shall not preclude the disclosing Party
8 from thereafter in good faith making such a designation and requesting the Receiving Party to so
9 mark and treat such Protected Information so designated. After such designation, such Protected
10 Information shall be fully subject to this Protective Order and treated thereafter according to the
11 new or corrected designation subject to any objection procedure provided herein. The Receiving
12 Party, however, shall incur no liability for disclosures made prior to notice of such designation.
13 The Parties shall confer in good faith to correct the designation and shall take all necessary steps
14 to prevent further dissemination of the subject materials.

15 3.0 Disclosure of Protected Information

16 3.1 Information designated “Confidential” may only be disclosed to the
17 following persons:

18 3.1.1 outside counsel of record for Siliconix or AOS in this Action and
19 the Employees of outside counsel of record (“Outside Counsel”) who are assisting in this
20 litigation and whose duties require access to Protected Information;

21 3.1.2 independent experts and/or consultants retained by counsel of
22 record for Siliconix or AOS, subject to the provisions of Section 4.0 of this Protective Order;

23 3.1.3 in-house attorneys for each Party, and Employees who are assisting
24 such in-house attorneys in this litigation in filing and/or administrative duties and whose duties
25 require access to Protected Information;

26 3.1.4 Employees or representatives of each Party who are necessary to
27 the Party’s preparation and pursuit of claims and defenses in this action;
28

1 3.1.5 third parties specifically retained to assist outside counsel in
2 copying or computer coding of documents, but only for purposes of copying or computer coding
3 Protected Information;

4 3.1.6 qualified persons taking or recording testimony involving Protected
5 Information and their Employees whose duties require access to Protected Information; and

6 3.1.7 the Court and the Court's staff; and

7 3.1.8 such other persons as the Parties agree to in writing prior to any
8 disclosure of Protected Information.

9 3.2 Information designated Confidential – Attorneys' Eyes Only, including
10 copies thereof, extracts therefrom, compilations and/or summaries thereof and any information
11 therein, may only be disclosed to the following persons: persons falling within the categories
12 specified in Sections 3.1.1, 3.1.2, 3.1.5, 3.1.6, and 3.1.7 of this Protective Order, but shall in no
13 case be disclosed to persons who are involved in competitive decision making or intellectual
14 property licensing decisions for Siliconix or AOS, or to persons who are currently prosecuting,
15 supervising, advising or assisting in any way in the preparation and/or prosecution of any new or
16 pending patent application, continuation, divisional, renewal, substitute or convention application
17 relating to field-effect transistors ("FETs"), or any portion thereof, whether design or utility,
18 whether in the United States or abroad (including applications filed under the Patent Cooperation
19 Treaty), whether or not claiming priority from the patents asserted in this litigation or any foreign
20 counterpart thereof, on behalf of themselves, their employer, any Party to this litigation or any
21 third party (hereafter "Prosecution Counsel" or "Prosecution Consultant"), and further provided
22 that such persons shall not during the pendency of, and for a period of one year following the
23 conclusion of this action (including any appeals), engage in any such prosecution, supervision,
24 advice or assistance in any way in the preparation and/or prosecution of any new patents or patent
25 applications, including provisional patent applications relating to FETs.

26 3.3 Protected Information shall not be made available to any person except as
27 authorized under this Protective Order, and no person identified in Sections 3.1.2, and 3.1.5 shall
28 have access to Protected Information without having first read, acknowledged and agreed in

1 writing (in the form of the Declaration for Protective Order attached hereto as Exhibit A) to be
2 bound by this Protective Order. A file of all such written acknowledgments shall be maintained
3 by the Party obtaining them, and copies of such written acknowledgments shall be provided to all
4 counsel of record upon request at the conclusion of this action or if circumstances arise which
5 create reasonable concern over the adherence to this Protective Order.

6 3.4 Each individual who receives any materials designated as “Confidential” or
7 “Confidential – Attorney’s Eyes Only” hereby agrees to subject himself or herself to the
8 jurisdiction of this Court for purposes of any proceedings relating to the performance under,
9 compliance with or violation of this Protective Order.

10 3.5 If the recipient of any Protected Information learns that, by inadvertence or
11 otherwise, it has disclosed Protected Information to any person or in any circumstance not
12 authorized under this Protective Order, the Receiving Party must immediately (a) notify in
13 writing the Designating Party of the unauthorized disclosures, (b) use its best efforts to retrieve all
14 copies of the Protected Information, (c) inform the person or persons to whom unauthorized
15 disclosures were made of all the terms of this Order, and (d) request such person or persons to
16 execute the declaration and undertaking in the form attached hereto as Exhibit A.

17 4.0 Objections to Disclosures

18 4.1 Not less than ten (10) days prior to the initial disclosure of Protected
19 Information to any person falling under the provisions of Sections 3.1.2 of this Protective Order,
20 the Party planning to make such disclosure shall serve (by facsimile and mail) the name, address,
21 present employer, title, resume, and a signed Declaration in the form of Exhibit A of the proposed
22 recipient on the Designating Party (and to the opposing Party, if the Designating Party is other
23 than Siliconix or AOS).

24 4.2 Within the ten (10) day period before disclosure of the Protected
25 Information to the proposed recipient, the Party or non-Party whose Protected Information is
26 concerned may serve (by facsimile and mail) a written objection to disclosure to such person.
27 Such an objection shall stay disclosure to the proposed recipient. Failure to serve a written notice
28 of objection within ten (10) days shall be deemed approval of a proposed recipient.

1 4.3 If a written objection is served pursuant to Section 4.2, the Parties shall
2 attempt to resolve the objection by meeting and conferring within ten (10) days of service of the
3 written objection. If the objection is not resolved by meeting and conferring, the Party seeking to
4 prevent disclosure shall file a motion, to be heard on the earliest date available. Failure to file
5 such a motion within ten (10) days of meeting and conferring or at the conclusion of the ten-day
6 period to meet and confer shall preclude a Party from objecting to the disclosure of Protected
7 Information to the person to whom the objection is directed. The disclosure of Protected
8 Information to such proposed person shall be withheld pending the ruling of the Court on any
9 such motion. On any such motion, the Party seeking to prevent disclosure to a person proposed
10 for approval shall have the burden of proof.

11 4.4 If at any time during the pendency or trial of this Action, counsel for any
12 Party claims that a Designating Party is unreasonably designating certain information as
13 Confidential or Confidential – Attorneys’ Eyes Only, the objecting Party may serve a captioned
14 notice of objection on the Designating Party and all Parties, identifying with particularity the
15 items to which the designation is challenged, stating the basis for each challenge, and proposing a
16 new designation for each item. If the Designating Party does not re-designate the material within
17 ten (10) days after service of such notice, the objecting Party may file and serve a motion for an
18 order that the material be re-designated. On any such motion, the Party seeking to prevent
19 re-designation shall have the burden of proof. The original designation shall remain effective
20 until three (3) business days after an Order is entered re-designating the materials. The Court
21 may award sanctions on any motion concerning the challenge of a designation if the Court finds
22 that any Designating Party’s or Receiving Party’s position was taken without reasonable
23 justification.

24 5.0 Use of Protected Information

25 5.1 Protected Information disclosed pursuant to this Protective Order shall,
26 unless otherwise ordered by this Court, be used by a recipient thereof solely for the purpose of
27 this Action and not for any other action or for any business or competitive purposes or for any
28 other reason. Protected Information shall not be used for any purposes other than in the

1 prosecution or defense of claims asserted in this Action. In no event shall any person receiving
2 Protected Information use it for commercial or competitive purposes, including any use in the
3 preparation and/or prosecution of any new or pending patent application, continuation, divisional,
4 renewal, substitute or convention application, or any portion thereof, whether design or utility,
5 whether in the United States or abroad (including applications filed under the Patent Cooperation
6 Treaty), or make any public disclosure of the contents thereof. Nothing contained in this
7 Protective Order, however, shall affect the right of the Designating Party to disclose information
8 designated solely by it under this Protective Order.

9 5.2 No person shall disclose to anyone not specified in Section 3.0 of this
10 Protective Order any Protected Information without prior written consent of the Designating Party
11 or further Order of this Court.

12 6.0 Depositions Involving Protected Information

13 6.1 At any deposition session, when counsel of record for a Party deems that a
14 question and/or the answer to a question will result in the disclosure of Protected Information,
15 counsel may designate as Confidential or Confidential – Attorneys’ Eyes Only the portion of the
16 transcript or videotape containing such question or answer.

17 6.2 Any portion of a transcript designated as Confidential or Confidential –
18 Attorneys’ Eyes Only Protected Information shall be transcribed separately from the remainder of
19 the transcript of the deposition and designated in the manner set forth in Section 2.0 of this
20 Protective Order.

21 6.3 During the portion of a deposition in which Protected Information will be
22 disclosed, counsel of record for the Designating Party may request that all persons other than the
23 individuals specified in Section 3.1 (for Confidential Protected Information) or Section 3.2 (for
24 Confidential – Attorneys’ Eyes Only Protected Information) leave the deposition room prior to
25 disclosure of Protected Information. The failure of such other persons to comply with a request
26 of this type shall constitute substantial justification for counsel of record to advise the witness not
27 to answer the question.
28

6.4 Where appropriate, in light of the amount of Protected Information likely to be disclosed at a given deposition, counsel of record for Siliconix and counsel of record for AOS may agree at the beginning of the deposition that the entire transcript and/or videotape shall be designated Confidential or Confidential – Attorneys’ Eyes Only subject to review of the transcript and withdrawal of any unnecessary Confidential or Confidential – Attorneys’ Eyes Only designation by the Designating Party within thirty (30) days of receipt of the transcript. Section 6.4 is made expressly subject to the provisions set forth in Section 4.4.

6.5 A person not otherwise permitted to receive a disclosure of Protected Information under Section 3.1 of this Protective Order may be shown such Protected Information and may be examined or deposed about such Protected Information if the Protected Information itself reveals that such person legitimately had access to that Protected Information at some earlier time. This exception does not permit any person who has received a disclosure of Protected Information to have access to any other Protected Information, even if that information is similar or of the same type.

7.0 Court Filings Including Protected Information

7.1 Any written material constituting, containing or disclosing Protected Information that is lodged or filed with the Clerk of the Court, including Court papers, shall be submitted in compliance with Civil Local Rule 79-5 and marked “FILED UNDER SEAL,” and endorsed on the front page of the written material itself with a statement substantially in the following form:

CONFIDENTIAL
SUBJECT TO PROTECTIVE ORDER
IN CIVIL ACTION NO. C 03-4803 WHA
UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

or

CONFIDENTIAL – ATTORNEYS’ EYES ONLY
SUBJECT TO PROTECTIVE ORDER
IN CIVIL ACTION NO. C 03-4803 WHA
UNITED STATES DISTRICT COURT FOR THE
NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO DIVISION

1 7.2 All such materials shall be accepted by the Clerk of the Court for filing and
2 shall be maintained by the Clerk of the Court separate from the public records in this action and
3 shall be released only upon further Order of the Court.

4 7.3 All documents, exhibits or papers filed in connection with any proceedings
5 related to compliance with, performance under, construction of or violation of this Protective
6 Order, shall be filed under seal pursuant to Civil Local Rule 79-5.

7 8.0 Pretrial and Trial

8 8.1 This Protective Order is intended to regulate the handling of Protected
9 Information during the pretrial period of this litigation, but shall remain in force and effect
10 thereafter until modified, superseded or terminated on the record by agreement of the Parties
11 hereto or by Order of this Court.

12 8.2 Subject to the Federal Rules of Evidence, Protected Information may be
13 offered in evidence at trial or any Court hearing in this Action, provided that:

14 8.2.1 the proponent of the evidence advises the Court and the
15 Designating Party that Protected Information will be offered prior to its offer and the Designating
16 Party has appropriate opportunity to object to the disclosure of the Protected Information;

17 8.2.2 any documents, exhibits or papers containing Protected Information
18 shall be filed under seal pursuant to Civil Local Rule 79-5;

19 8.2.3 the evidence be received *in camera* or under other conditions to
20 prevent disclosure to any persons other than the judge, the jury, the court reporter, counsel of
21 record, any witness testifying with respect to the evidence, and other persons who are entitled to
22 receive the appropriate category of Protected Information under the terms of this Protective
23 Order, and

24 8.2.4 the trial or Court hearing transcript is treated in the manner
25 specified in Section 6.0 of this Protective Order.

26 9.0 General Provisions

27 9.1 Upon final termination of this Action with respect to any Party, that Party
28 shall, at the option of the Designating Party, either return to the Designating Party or destroy all

1 Protected Information in its possession, except such pretrial and trial records as are regularly
2 maintained by outside counsel in the ordinary course of business, which records must be
3 protected in conformity with this Protective Order. The termination of proceedings in this Action
4 shall not thereafter relieve the Parties from the obligation to maintain the confidentiality of all
5 Protected Information received pursuant to this Protective Order, including the provisions relating
6 to prosecution of patents set forth in paragraphs 3.2 and 5.1.

7 9.2 This Protective Order is intended to provide a mechanism for the handling
8 of Protected Information, the disclosure or production of which is objected to only on the basis of
9 Confidentiality. Each Party reserves the right to object to any disclosure of information or
10 production of any document it deems Protected Information on any other ground it may deem
11 appropriate. The designation of Protected Information pursuant to this Protective Order shall not
12 create any presumption with respect to the Confidential, proprietary, or trade secret nature of any
13 information, documents or things.

14 9.3 The Parties may, by joint stipulation, apply to amend this Protective Order.
15 The amendment shall take effect once the stipulation is entered by the court.

16 9.4 The Court retains jurisdiction to amend this Protective Order without
17 agreement of the Parties and to issue Orders concerning Protected Information disclosed under
18 this Protective Order.

19 9.5 Notwithstanding the foregoing provisions, counsel for either Party may
20 give advice and opinions to his or her client based on his or her evaluation of information
21 disclosed by the opposing Party or a third party and designated as Confidential or Confidential –
22 Attorneys' Eyes Only, including for purposes of settlement discussions.

23 9.6 Nothing in this Protective Order shall limit or restrict the manner in which
24 the Parties shall handle their own Protected Information.

25 9.7 Adherence to this Protective Order in no way constitutes an admission by
26 any Party that any information provided in this Action and not subject to this Protective Order is
27 not proprietary or confidential.
28

1 9.8 This Protective Order shall not abrogate or diminish any contractual,
2 statutory or other legal obligation or right of any Party or person, nor obligate any Party or person
3 to provide any discovery to which it asserts objections.

4 9.9 Nothing in the foregoing provisions of this Protective Order shall be
5 deemed to preclude any Party from seeking and obtaining, on an appropriate showing, such
6 additional protection with respect to the confidentiality of these proceedings or specific
7 documents or testimony as that Party may deem appropriate, including but not limited to
8 restrictions on public disclosure or disclosure to competitors.

9 9.10 The terms of this Protective Order shall apply to confidential documents or
10 material produced or disclosed by third parties in connection with this action if such third party
11 wishes to designate the document or information Protected Information.

12 9.11 Each Party reserves the right to apply to the Court to modify the terms of
13 this Protective Order in the event that the Party believes that it is necessary. In the event such an
14 application is made, all persons described herein shall be bound by this Protective Order until it is
15 modified by the Court.

16 9.12 The disclosure of Protected Information to any attorney of record shall not
17 prevent or disqualify that attorney of record from representing any Party or any non-party in any
18 future litigation.

19 9.13 If any Party or non-party, having received Protected Information, receives
20 a subpoena or other compulsory process from any other person or entity seeking the production of
21 the Protected Information produced by the Designating Party, counsel for the Designating Party
22 shall be notified in writing immediately and in no event more than three (3) court days after the
23 receipt of the subpoena or other compulsory process and such notification shall include copies of
24 the subpoena or compulsory process. Absent the consent of the Designating Party, the Party or
25 person receiving such subpoena or compulsory process shall refrain to the fullest extent
26 permissible under law from producing the subpoenaed Protected Information. The Party or
27 person receiving such subpoena or compulsory process also must immediately inform in writing
28 the party who caused the subpoena or Order to issue in the other litigation that some or all the

1 material covered by the subpoena or Order is the subject of this Protective Order. In addition, the
2 Receiving Party must deliver a copy of this Protective Order promptly to the Party in the other
3 action that caused the subpoena or Order to issue. The purpose of imposing these duties is to alert
4 the interested Parties to the existence of this Protective Order and to afford the Designating Party
5 in this Action an opportunity to try to protect its confidentiality interests in the court from which
6 the subpoena or Order issued. The Designating Party shall bear the full burden and all expenses
7 of seeking protection in that court of its Protected Information, and nothing in these provisions
8 should be construed as authorizing or encouraging a Party to this Action to disobey a lawful
9 directive from another court.

10
11 Dated: May 4, 2004

QUINN EMANUEL URQUHART
OLIVER & HEDGES

12
13 By: /s/ Daniel N. Kassabian

14 Daniel N. Kassabian
15 Attorneys for Plaintiff
Siliconix incorporated

16 Dated: May 4, 2004

ORRICK, HERRINGTON & SUTCLIFFE LLP

17
18 By: /s/ Stephen N. Adams

19 Stephen N. Adams
20 Attorneys for Defendants
Alpha and Omega Semiconductor Incorporated
21 and Alpha and Omega Semiconductor Limited
22
23
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EXHIBIT A

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

SILICONIX INCORPORATED,
a Delaware corporation,

Plaintiff,

v.

ALPHA AND OMEGA
SEMICONDUCTOR INCORPORATED,
a California corporation, and ALPHA AND
OMEGA SEMICONDUCTOR LIMITED,
a Bermuda corporation,

Defendants.

Case No. C 03-4803 WHA

**DECLARATION AND UNDERTAKING
OF** _____

I, _____, being duly sworn, state that:

1. My address is _____.

2. My present employer is _____.

3. My present occupation or job description is _____

4. I have received a copy of the Stipulated Protective Order entered in the
above-captioned action signed by the Honorable William Alsup on _____, 2004.

5. I have carefully read and understand the provisions of the Stipulated Protective
Order.

6. I will comply with and agree to be bound by all of the provisions of the Stipulated
Protective Order.

7. I will hold in confidence, will not disclose to anyone not qualified under the
Stipulated Protective Order, and will use only for purposes of the above-captioned action, any

1 “Confidential,” and or “Confidential – Attorneys’ Eyes Only” or which is disclosed to me.

2 8. I will return all “Confidential” and “Confidential Attorneys’ Eyes Only” which
3 comes into my possession, and documents or things which I have prepared relating thereto, to
4 counsel for the Party by whom I am retained.

5 9. I understand and acknowledge that violation of this Undertaking or the Stipulated
6 Protective Order may be punishable by Contempt of Court. I hereby submit to the jurisdiction of
7 this Court for the purpose of enforcement of the Stipulated Protective Order in the
8 above-captioned action.

9 I declare under penalty of perjury under the laws of the United States of America that the
10 foregoing is true and correct.

11 Executed this _____ day of _____, 200__ in _____.

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EXHIBIT A

ACKNOWLEDGMENT AND AGREEMENT TO BE BOUND

I, Richard A. Blanchard [print or type full name], of 10724 Moca
Dr., Los Altos, CA 94024 [print or type full

address], declare under penalty of perjury that I have read in its entirety and understand the Stipulated Protective Order (the "Order") that was issued by the United States District Court for the Northern District of California on August 1, 2007 [date] in the case of C 07-02664 JSW (the "Action"). I agree to comply with and to be bound by all the terms of this Order and I understand and acknowledge that failure to so comply could expose me to sanctions and punishment in the nature of contempt. I solemnly promise that I will not disclose in any manner any information or item that is subject to this Order to any person or entity except in strict compliance with the provisions of this Order.

I further agree to submit to the jurisdiction of the United States District Court for the Northern District of California for the purpose of enforcing the terms of this Order, even if such enforcement proceedings occur after termination of this Action.

Date: August 10, 2007

City and State where sworn and signed: Mt. View, CA

Printed name: Richard A. Blanchard
[printed name]

Signature: Richard A. Blanchard
[signature]